

SPOLIATIONS COMMITTED BY INDIANS  
ON PROPERTY OF BENJAMIN HOLLADAY WHILST  
CARRYING THE UNITED STATES MAILS.

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CLAIM  
OF  
BENJAMIN HOLLADAY  
BEFORE CONGRESS.

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Memorial, Proofs, and Reference to Precedents.

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NEW YORK :  
CHARLES VOGT, STEAM PRINTER, 204 FULTON STREET.  
1872.

Graff

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## MEMORIAL.

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*To the Senate and House of Representatives of the  
United States, in Congress assembled.*

Your petitioner, Benjamin Holladay, of the State of New York, and a citizen of the United States, represents, that from the year A.D. 1860, until the 13th day of November, A.D. 1866, he was Contractor for the transportation of the United States Mails, on what has heretofore been known as the Overland Mail Route, between the Missouri River and Salt Lake City, in the Territory of Utah. That in the performance of his service, in the transportation of the United States Mails, amounting, during much of his time of service, to more than fifty tons of mail matter per quarter, he employed one hundred and ten coaches, seventeen hundred and fifty horses and mules, and four hundred and fifty men and upwards. That at great expense he was compelled to erect buildings, houses, stables, stations, and shelters for the convenience, and shelter, and protection of his men and animals, along said Mail Route and its tributaries, and also to provide, at great expense of cost and transportation, large supplies of food, forage, and wood.

Your petitioner further says, that while engaged in the discharge of his duties as such contractor, in the faithful performance of his contract with the Post Office Department, his service was interfered with, impeded, and obstructed by large and numerous bands of Indians, who murdered his agents, servants and employees; who captured and carried away his horses and mules; who burned his store-houses, station-houses, barns, stables,

large quantities of forage, provisions, wagons, harness, clothing, and other property, which had been provided for properly conducting the business which your memorialist had contracted with the said Post Office Department to conduct, and which he was compelled to replace, at enormous expense, and with tedious delay and damage, in order to enable him to perform the service which he had contracted to perform.

And your memorialist alleges that very frequently, after he had erected his buildings heretofore mentioned, and secured his supplies for his men and horses, &c., at his several stations along his Mail Route, he was compelled, in consequence of the Indian depredations, by military orders to abandon a large number of his buildings and stations, and a very considerable amount of his supplies, and to change the line of his Mail Route to parallel lines far distant from the first route. He also was compelled, on making such changes, to erect new buildings, stations, houses, barns, &c., with constantly increasing expenses and losses. Your memorialist also states that large quantities of his hay, grain, and other supplies were taken by the military authorities, and appropriated and carried away for the use and service of the Government troops and the Government Agents, for which no compensation has ever been made to your petitioner. Your petitioner also says that while he lost much of his property by Indian depredations, and by appropriations for the use of the Government troops and Government Agents, a very large amount, both in quantity and value, was lost by the necessity of abandoning the same for want of adequate protection which the Government failed to furnish, and which it was under obligation to furnish to your petitioner while engaged in the public service.

Your petitioner, as a reason for his delay in urging his claim of damages for his losses occasioned as aforesaid, says, that his claims were presented to Congress in A.D. 1866, and that on the 24th day of January of that year his petition for redress was referred to the Committee on

Indian Affairs of the House of Representatives, and that subsequently, by a disagreement of the two Houses of Congress as to the proper relief to be granted, the measures of relief failed by the adjournment of Congress. Your petitioner comes now with his proffers of proof of his losses, and asks such relief in the premises as in equity and good conscience he ought to have ; and as, in duty bound, your petitioner will ever pray, &c.

BEN. HOLLADAY.

March 6th, 1872.

## PROOFS IN SUPPORT OF CLAIMS.

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### *Affidavit of R. L. Pease.*

Before me, William Jackson, a Notary Public in and for Atchison County, Kansas, personally appeared Robert L. Pease, of lawful age, who, being duly sworn according to law, makes oath and says, viz:

From the 31st day of December, A. D., 1861, to the 21st day of March, A. D., 1862, I was one of the Trustees in charge of all the property belonging, and appertaining to the Stage Line carrying the mails from Atchison, Kansas, to Salt Lake City, commonly called now the Overland Stage Line; holding the same as such Trustee, in possession for the use and benefit of Benj. Holladay; and as such Trustee, I had the chief control and management of said property during the period aforesaid.

Between the 31st day of December, 1861, and the 21st day of March, 1862, the losses to said Stage Line were reported to me as such Trustee, by the officers and employees thereof, and number of mules and horses taken from said Stage Line by hostile Indians, amounted to one hundred and seventy-three; and that this number of animals employed in said Line were so taken by said Indians, there certainly can be no doubt. None of said animals were ever recovered, to my knowledge.

I was Agent for said Stage Line at Denver City, Colorado, during the Summer of the year 1863, and during that time thirty-four head of stage animals (mules) were taken by Indians off said Line, near Fort Halleck. The Indians were pursued, but none of the stock recovered.

The loss of this lot of animals was reported to me, and that they were so taken by Indians, there is not any doubt at all.

(Sg.) R. L. PEASE.

Sworn to, and subscribed before me, this 17th day of November, A. D., 1865.

(Sg.)

WILLIAM JACKSON,  
Notary Public.

[Seal.]



**Loss and Damage done as per Affidavit of R. L. Pease.**

From Dec. 31, '61, to March 21, '62, on the Road,  
 173 horses stolen or destroyed, \$200 each... \$34,600  
 In Summer of 1863, 34 head of mules near  
 Fort Halleck, \$200 each..... 6,800

*Affidavit of Lemuel Flowers.*

Before me, William Jackson, a Notary Public within and for the County of Atchison, in the State of Kansas, personally appeared Lemuel Flowers, who, duly sworn according to law, on his oath states that he succeeded William A. Reid as Division Agent for the division then between Pacific Springs and Sweet-water Bridge, on the Overland Stage Line, Ben. Holladay, proprietor, on the 15th April, A. D., 1862, and as such agent took charge thereof, with all the stock, stations, and property therein, and continued in the capacity of said agent on that division until the Mail Line was removed South, on a new Line, adopted in consequence of Indian hostilities. This affiant states that the first depredation committed upon the property of said Line, by the Indians, on his division, occurred on the night of the 16th April, 1862, and on that night the Indians stole twenty-two head of mules and horses belonging to said Line, which were the property of said Holladay, as well as ten sets of Stage harness; also three (3) head of oxen; all taken from the Three Crossings Station on Sweet Water. Affiant says that on the 17th of same month the Indians attacked a party of nine men, running two coaches with a double set of men, and commenced a furious fire upon the party, wounded six men, two rifle-balls penetrating the body of this affiant, and after a resistance of four hours, the Indians captured nine head of mules, nine set of harness, and partially destroyed two coaches, damaging the said coaches quite five hundred dollars. Affiant also states that on the 18th of the same month, the Indians took from Plant's Station, on my said Division, five mules, four horses, and twenty sets of harness. Affiant also states that on the night of the 20th day of same month, the Indians took ten mules off said Line, and at Ice Spring Station, on the 23d of same month, they took ten mules, five sets of harness, one cow, and one ox; and

at Strawberry Station, about the 15th day of May, 1862, thirty-five sacks of Barley was destroyed by the said Indians. Affiant also states that the Stations at Three Crossings of Sweet Water, Split Rock and Ice Springs, were each of them damaged by the Indians to the extent of five hundred dollars, at least, and at the upper crossings of Sweet Water, they destroyed eighteen sacks of Barley. Affiant says that all the property alluded to above, of any kind, as destroyed or taken by Indians, and the Stations spoken of as damaged, were the property of the Overland Stage Line, Ben Holladay, Proprietor. The depredations above alluded to were committed, it was generally believed, by bands of the Snake and Bannock Tribes. This affiant states that the Stage Line aforesaid was moved off the old Road, so-called, (that is, the road where said depredations occurred) by order of the Proprietor, to the road which is run at this day carrying the U. S. Mails from Atchison to Salt Lake and California, &c., and that this removal was in July of the year 1862, and was caused by the impossibility of carrying the mails over the old road in the face of hostile Indians, as no military protection was offered whatever between Salt Lake City and Fort Laramie, up to the date of removal of said Line. Affiant states that the proprietor of said Line began to put up new stations on the so-called new Road in July, 1862, and prosecuted the work to completion in December following, and at a heavy expense, as labor was only to be procured at Salt Lake City and at Denver, in Colorado, and plank had to be transported from those places, or quite near to them, to the Stations in the course of erection. Affiant says he remained in the service of said Line up to the month of August last. My residence is in Brown Co., Kansas. Affiant says that so far as his knowledge extends, none of the stock or other property was ever recovered again by said Line, which is mentioned above as stolen or taken away.

(Sg.) LEMUEL FLOWERS.

Subscribed in my presence, and sworn to, before me, by Lemuel Flowers, this 15th day of November, A. D., 1865.

(Sg.) WILLIAM JACKSON.

[Seal.]

Notary Public.

*Affidavit of Richard Murray.*

This day personally appeared before me, J. F. Kinney, Chief Justice of the Supreme Court, for the Territory of Utah, Richard Murray, who, on his oath states that on the 17th day of April, A.D., 1862, he was in the employ of the Eastern Division of the Overland Stage Line as a driver. And further, affiant states that in passing from Split Rock Station, west to Three Crossings of Sweet Water, with the United States Mails, on the said 17th day of April, A.D., 1862, in company with eight other men, all of the mail party; that they were attacked by a band of Indians, numbering thirty or more, who commenced a furious fire upon them with rifles and bows and arrows; that resistance was made by the said mail party for hours, when the Indians retreated. Affiant further states that six men out of the nine who composed the said mail party were wounded, one with arrows, and five with guns; that said Indians took nine head of mules worth two hundred dollars each, making for the said mules eighteen hundred dollars; that the two coaches used in transporting the mails and said mail party, were damaged to the amount of two hundred and fifty dollars each, making total damage to said coaches, five hundred dollars; that the above depredations were committed by Indians unknown, but supposed to be Snake Indians, that said property was well protected and guarded; that said mules and coaches were the property of the Overland Stage Line, and that the total loss in property stolen and damaged by Indians on the said 17th day of April, 1862, was two thousand and three hundred dollars, all the property of the said Overland Stage Line; and further, this affiant saith not.

(Sg.) RICHARD MURRAY.

Sworn to, and subscribed before me, this 28th day of April, 1862, at Three Crossings, Sweet Water River, in the Territory of Utah.

(Sg.) J. F. KINNEY,  
Chief Justice, Supreme Court,  
Territory of Utah.

**Loss and Damage done as per Affidavits of Lem. Flowers and Richard Murray.**

1862.

At Three Crossings Station.

April 16, 22 head of mules and horses, \$225  
each . . . . . \$4,950

		10 sets 4 horse harness, \$110 each..	1,100
		3 head of oxen, \$50 each....	150
17		9 head of mules, \$200 each....	1,800
		9 sets 4 horse harness, \$110 each...	990
		Damage to 2 coaches....	500
<b>At Plant Station.</b>			
18		5 mules, \$200 each.....	1,000
		4 horses, \$225 each.....	900
		20 sets 4 horse harness, \$110 each...	2,200
20		2 mules, each \$200.....	400
<b>At Ice Spring Station.</b>			
23		10 mules, \$200 each.....	2,000
		5 sets 4 horse harness, \$110 each....	550
		1 cow and 1 ox, \$50 each.....	100
<b>At Strawberry Station.</b>			
May 23		35 sacks of barley, 3500 lbs. 15c....	525
<b>At Upper Crossing Sweet Water.</b>			
		18 sacks barley, 1800 lbs. 15c.....	270
		Damage done to Stations at Three Crossings of Sweet Water, Split Rock and Ice Springs, \$500 each.....	1,500

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*Affidavit of J. A. Slade.*

This day personally appeared before me, J. F. Kinney, Chief Justice of the Supreme Court, for the Territory of Utah, J. A. Slade, who, on his oath states that he is in the employ of the Eastern Division of the Overland Stage Line, as Division or Route Agent, from Julesburg on the South Platte, to Sweet Water Bridge, near the Devil's Gate, a distance of three hundred and forty-six miles; that on the 18th day of April, A. D., 1862, or about that time, there was taken from the said Overland Stage Line at their station at Sweet Water Bridge, eight (8) head of mules and horses, the property of said Overland Stage Line, and worth two hundred dollars per head, making for said mules and horses the sum of sixteen hundred dollars (\$1600). Affiant further states that on the 23d day of March, A. D., 1862, there was taken from Horse Creek Station, on said Stage Line, five horses, said horses worth one hundred and seventy-five dollars (\$175)

each, making, for the said horses, the sum of eight hundred and seventy-five dollars (\$875) ; also from same station at same time, eighteen head of mules, worth two hundred and twenty-five dollars (\$225) each ; making in the aggregate for said mules, the sum of four thousand and fifty dollars (\$4,050). Affiant further states that about the first day of April, 1862, there was taken from Red Buttes Station on said Stage Line, fifteen head of mules and horses worth one hundred and seventy-five dollars each, making in the aggregate for the said mules, two thousand six hundred and twenty-five dollars (\$2,625) ; and on the 24th day of April, 1862, there were taken from the said Red Buttes Station, six head of horses and mules, worth one hundred and seventy-five dollars each, making for the said horses and mules, the sum of one thousand and fifty dollars (\$1,050). Affiant further states that about the last of March, 1862, there was taken from the Platte Bridge Station on said Stage Line, thirteen head of mules, worth one hundred and fifty dollars each, making for the said mules the sum of nineteen hundred and fifty dollars (\$1,950), making the total loss to the said Overland Stage Line of twelve thousand and one hundred and fifty dollars (\$12,150) ; that all of the above enumerated property belonged to the said Overland Stage Line, and was taken by Indians unknown, but supposed to be Snakes ; that the said property was well protected and guarded.

And further, affiant saith not.

(Sg.) J. A. SLADE.

Sworn to, and subscribed before me, this 29th day of June, 1862, at Horse Shoe, Territory of Utah.

(Sg.) J. F. KINNEY,  
Chief Justice, Supreme Court,  
Territory of Utah.

**Loss and Damage done as per Affidavit of J. A. Slade.**

1862.

**At Sweet Water Bridge.**

April 18.	8 head of mules and horses, \$200 each.....	\$1,600
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**At Horse Creek Station.**

March 23.	5 horses, \$175 each.....	\$875
	18 head of mules, \$225 each.....	4,050

**At Red Buttes.**

April	1.	15 head of mules and horses, \$175 each .....	2,625
	24.	6 head of horses and mules, \$175 each .....	1,050

**At Platte Bridge Station.**

March.		13 head of mules, \$150 each.....	1,950
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*Affidavit of S. B. Babcock.*

Before me, William Jackson, a Notary Public within and for Atchison County, Kansas, personally appeared Samuel B. Babcock, who, duly sworn according to law, says that in the months of February, March, April and May, and part of June, of the year 1862, he was employed as a driver on the Overland Stage Line between Salt Lake City and Atchison; that in the month of April, on the division just then about to change from the control of one Wm. A. Reid to the control of Lemuel Flowers, there was taken from said Line, three six mule teams at Big Sandy Station, on said Division, and one four-horse team of stage horses and harness belonging to the same horses, were taken by the Indians, also at Green River Station, and one hundred sacks of barley and fifty sacks of oats were destroyed by the said Indians at said last named Station, and none of said stock received to my knowledge afterwards from said Indians.

(Sg.) SAMUEL B. BABCOCK.

Sworn to and subscribed before me, this 15th day of November, A. D., 1865.

(Sg.) WILLIAM JACKSON,  
Notary Public.

[Seal.]

**Loss and Damage done as per Affidavit of Sam. B. Babcock.**

1862.		<b>At Big Sandy Station.</b>	
April.		18 mules, \$225 each.....	\$4,050
		4 horses, \$225 each.....	900
		1 4 horse harness.....	110
		<b>At Green River Station.</b>	
		100 sacks barley, 10,000 lbs. 15c.....	1,500
		50 " oats, 5,000 lbs. 15c.....	750

*Affidavit of J. E. Bromley.*

This day personally appeared before me, J. F. Kinney, Chief Justice of the Supreme Court, for the Territory of Utah, James E. Bromley, who on his oath states that he is, and has been since the commencement of the Overland Stage Line, Division Agent from Salt Lake City to Pacific Springs, a distance of two hundred and thirty-three miles, and at the last named place, intersecting the Division of Lemuel Flowers, successor to William A. Reid, and that on his Division the following property has been stolen and destroyed by the Indians; said property belonging to said Overland Stage Line, to wit: On the 15th day of March, A. D., 1862, two (2) mules were stolen from the station on Dry Sandy, of the value of two hundred dollars each (\$200), making four hundred dollars (\$400); one hundred and twenty (120) sacks of oats worth five dollars (\$5) per sack, making six hundred dollars (\$600); and on April 20th, 1862, five (5) horses were stolen at Green River worth two hundred dollars (\$200) each, making for said horses, one thousand dollars (\$1000); and six sets of harness worth twenty dollars (\$20) per set, making for said harness, one hundred and twenty dollars (\$120); and about sixty sacks of oats destroyed, worth five dollars (\$5) per sack, making three hundred dollars (\$300) for said oats, and four hundred and eighty (480) sacks worth sixty cents per sack, amounting to two hundred and eighty-eight dollars (\$288). Total value of property destroyed at this station, seventeen hundred and eight dollars (\$1,708).

Affiant further states that the damage done to the station by said Indians was at least (\$600) six hundred dollars, making total twenty-three hundred and eight dollars (\$2,308). The Indians that came to this station numbered twenty-three, and killed John Maloy, the station keeper.

Affiant further states, that at Big Sandy Station, on the 17th day of June, A. D., 1862, the Indians stole four (4) mules worth two hundred (\$200) each, making for the said mules eight hundred dollars (800); and previously at the same station, destroyed twenty (20) sacks of oats worth five dollars (\$5) per sack, making for said oats one hundred dollars (\$100), and about three (3) tons of hay worth thirty dollars (\$30) per ton, making for said hay ninety dollars (\$90), and damaged the station to the amount of five hundred dollars (\$500), making total

loss at this station fourteen hundred and ninety dollars (\$1,490).

Affiant further states, that at Muddy Station, on the 12th day of June, 1862, the Indians stole four (4) mules worth two hundred dollars (\$200) per head, making eight hundred dollars (\$800), and on the 20th of June, 1862, at Bear River Station, the Indians stole two (2) horses worth one hundred dollars (\$100) each, making for said horses two hundred dollars (\$200). Affiant further states that the stations of Pacific Springs, Dry Sandy and Little Sandy, have been damaged by Indians to the amount of five hundred dollars (\$500) each, making fifteen hundred dollars (\$1,500); and that thirty (30) sacks of oats were destroyed at Little Sandy by the Indians, worth five dollars (\$5) per sack, making one hundred and fifty dollars (\$150). Total loss of these stations of sixteen hundred and fifty dollars (\$1,650). All of the above enumerated property of the said Stage Line was well protected by the employees of said Line, and was stolen and destroyed by the Indians, supposed to have been predatory bands belonging to the Snake and Bannack Tribes. That the total amount of property thus stolen and destroyed by the Indians on his division of said Stage Line, in the months of April and June, A. D., 1862, amounted to seven thousand four hundred and forty-eight dollars (\$7,448); and further, affiant saith not.

(Sg.) JAMES E. BROMLEY.

Sworn to, and subscribed before me, at Fort Bridger, Utah Territory, this 23d day of June, A. D., 1862.

(Sg.) J. F. KINNEY,  
Chief Justice, Supreme Court,  
Territory of Utah.

**Loss and Damage done as per Affidavit of J. E. Bromley.**

1862.		At Dry Sandy Station.	
March 15.	2 mules, \$200 each .....		\$400
		At Green River Station.	
April 20.	5 horses, \$ 200 each .....		1000
	6 sets harness, \$20 each.....		120
	120 sacks oats, \$5 per sack.....		600
	480 empty sacks, 60 cents each.....		288
	Damage done to Station.....		600



**At Big Sandy Station.**

June 7.	4 mules, \$200 each.....	800
	20 sacks oats, \$5 per sack.....	100
	3 tons hay, \$30 per ton.....	90
	Damage to Station.....	500

**At Muddy Station.**

12.	4 mules, \$200 each.....	800
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**At Bear River Station.**

	2 horses, \$100 each.....	200
	Damage to Stations at Pacific Springs, Dry Sandy, and Little Sandy, \$500 each....	1,500

**At Little Sandy Station.**

	30 sacks oats, \$5 per sack.....	150
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*Affidavit of Wm. A. Reid.*

This day personally appeared before me, J. F. Kinney, Chief Justice of the Supreme Court for the Territory of Utah, William A. Reid, who on oath states that he was Division Agent on the Eastern Division of the Overland Stage Line, from the 10th day of December, A.D., 1861, up to the 15th day of April, A.D., 1862; that his Division extended from Pacific Springs to Sweet Water Bridge, a distance of one hundred and ten miles; that during the time of his said Agency, the following depredations were committed by the Indians, upon the property of the said Eastern Division of the Overland Stage Line, on the night of the first day of March, 1862; a Mexican man in the employ of the Line was killed at Split Rock Station by the Indians, and ten (10) head of mules and one (1) horse taken by said Indians, and twelve (12) set of harness destroyed by them. Affiant further states that the mules taken by said Indians were worth at least two hundred (\$200) dollars per head, making in all for said mules and horse, two thousand and two hundred (\$2,200) dollars. Affiant further states that the harness taken and destroyed by the said Indians was worth twenty (\$20) dollars per set, making an aggregate of two hundred and forty (\$240) dollars. Affiant further states that on or about the last day of March, 1862, the Indians at the said station of Split Rock, took from said Line, seven (7) head of mules and eight (8) set of harness, and that the mules were the value of two hundred (\$200) dollars per head, and the harness twenty

(\$20) per set, making for said mules fourteen hundred (\$1,400) dollars, and for said harness one hundred and sixty (\$160) dollars. Affiant further states that about the 10th day of April, 1862, the Indians took, belonging to said Stage Line, at the Station at Rocky Ridge, six (6) head of mules of the value of two hundred (\$200) dollars per head, making for the said mules twelve hundred (\$1,200) dollars, all of the said property was in the charge and custody of affiant, as such Agent, and belonged to said Stage Line, and that the total value of the property belonging to said Line stolen by said Indians during the agency of affiant, amounted to the sum of five thousand two hundred dollars (\$5,200). Affiant further states that all reasonable care was taken by said Stage Line to protect said property, but that the Indians appeared in large numbers, and forcibly drove away and destroyed said property. Affiant further states, that after said depredations it was determined to run two coaches at a time with a double set of men, so as to guard the mails, and that on the 17th day of April, A. D., 1862, while thus transporting the mail in company with nine men, affiant making one of the party, between Split Rock and Three Crossings of Sweet Water, the party was attacked by about forty-five Indians, who fired upon them, and six men were wounded, some of them most severely, and after four hours resistance the Indians retreated, taking with them nine (9) head of mules, as stated in the affidavit of Lemuel Flowers; and further, affiant saith not.

(Sg.) W. A. REID.

Sworn to and subscribed before me, at Fort Bridger, Utah Territory, this twenty-third day of June, A.D., 1862.

(Sg.) J. F. KINNEY,  
Chief Justice, Supreme Court,  
Territory of Utah.

**Loss and Damage done as per Affidavit of W. A. Reid.**

1862.

**At Split Rock Station.**

March 1.	10 head of mules, \$200 each.....	\$2,000
	1 horse, \$200.....	200
	12 sets single harness, \$20 each.....	240
30.	7 head of mules, \$200 each.....	1,400
	8 sets single harness, \$20 each.....	160

**At Rocky Ridge Station.**

April 18,	6 head of mules, \$200 each.....	1,200
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*Affidavit of Seaman Johnson.*

This day personally appeared before me, J. F. Kinney, Chief Justice of the Supreme Court for the Territory of Utah. Seaman Johnson, who, on his oath states that on the 20th day of April, A. D., 1862, there was taken from near Well's Station, between Ham's Fork and Green River, two horses worth one hundred and fifty dollars each, making for said horses three hundred dollars (\$300). Affiant further states that the said horses were his own property, and were stolen by Indians unknown, but supposed to be of the Snake Tribe; that he counted seven Indians; that the Indians to the number of seven, met him and one other man on their way from Green River, near Well's Station, and commenced an attack upon them; that they turned back towards Green River, and that the Indians gave pursuit and got the two said horses. Affiant further states that the said horses were as well guarded and protected as was in his power to do. Affiant further states that on the same day, at the same place, and in the same manner, together with his horses, there was taken by the same Indians two horses, worth one hundred and fifty dollars each, making for the said horses three hundred dollars (\$300), the property of the Overland Stage Line; that said horses were well protected; and further, the affiant saith not.

(Sg.) SEAMAN JOHNSON.

Sworn to and subscribed before me, at Ham's Fork, Utah Territory, this 24th day of June, 1862.

(Sg.) J. F. KINNEY,  
Chief Justice, Supreme Court,  
Territory of Utah.

**Loss and Damage done as per Affidavit of Seaman Johnson.**

1862. At Well's Station.

April 20. 2 horses, \$150 each..... \$300

*Affidavit of Isaac E. Eaton.*

I, Isaac E. Eaton, of Leavenworth, State of Kansas, of lawful age, being first duly sworn, deposes and says, that in the year of our Lord, one thousand eight hundred and sixty-two, he was the Superintendent of the

Overland Mail Line from St. Joseph, Missouri, to Denver, Colorado Territory, and also to Salt Lake City, Utah Territory, which was engaged in carrying the United States Mails daily from the Atlantic States to the Western Territories, and the States of California and Oregon; that whilst so engaged, war broke out between the whites and the Snake and Bannack Indians, extending over five hundred miles along the line of the road traveled by said Mail Line; that during that period, the year 1862, (whilst he was Superintendent of said Mail Line), it sustained heavy losses in life and property from the depredations of said Indians on said line of road; that this affiant and Ben Holladay, the proprietor thereof, (to affiant's knowledge) applied to the Government of the United States for military protection against said Indians, in order to enable the proprietor of said Line to carry out his contract with the Post Office Department to transport the United States Mail over said line of road, but the Government of the United States being engaged in a war for the suppression of the Rebellion in the Southern States, our appeals for protection could not be heard by the War Department, and we were thus left at the mercy of the savages to transport the mails as best we could; that in the Spring of the year 1862, we continued to run said line, but after having a number of the employees of said line killed and wounded by said Indians, and having over one hundred and eighty head of mules stolen and run off by said Indians, the property of said Line, was compelled to abandon over five hundred miles of said road, and remove the line to what is known now as the Bridger's Pass and Buttes Creek Route; that at the time of the abandonment of the old road the Proprietor of the Line supposed that as he could get no protection from the Government of the United States that the Line would be more secure from Indian depredations on the new road adopted, and that thereby he could be enabled to transport the United States Mails with more safety and celerity than on the old route, which afterwards turned out to be the fact; that in the abandonment of said old route he abandoned twenty-six stations, which this affiant supposes were worth the sum of two thousand dollars each, and also a large amount of forage and other articles of value necessary in running a Stage Line, the amount of which this affiant can form no true estimate thereof; that in removing to the new road it was necessary to build new

stations for the accommodation of the Line, and there was built twenty-five stations on said new line of road, but as this affiant did not erect said last mentioned stations, he is unable to state with any degree of accuracy their cost. In addition to the losses sustained, specifically stated heretofore in this affidavit, this affiant would state that the compensation received from the Post Office Department of itself was not sufficient to sustain the cost of such a line of transportation without the additional compensation to be derived from the transportation of passengers, but on account of the Government failing to afford military protection to the Line the Proprietor was almost entirely cut off from this resource; where there was no security to life, passengers would not travel, and in consequence thereof, the amount of passengers was exceedingly limited during that year. This affiant further states that he is unable to state the amount of property abandoned on the old route, as it was desirable that the transportation of the mails should be interrupted for as short a space of time as possible, and a proper regard for the lives of employees of the Line demanded that no time should be lost in taking accounts of property that could not be transported to the new line of road.

(Sg.) ISAAC E. EATON.

DISTRICT OF COLUMBIA, }  
County of Washington. } ss.

Sworn and subscribed to before me, this second day of March, 1866.

(Sg.) JOHN S. HOLLINGSHEAD,  
Notary Public.

[Seal.]

(Five cent Revenue stamp.)

**Loss and Damage done as per Affidavit of I. E. Eaton.**

**In the Spring of 1862.**

26 Stations abandoned, \$2,000 each.....	\$52,000
180 head of mules, \$200 each.....	36,000
Forage, furniture and material abandoned ....	25,000

*Affidavit of Geo. H. Carlyle.*

Before me, John C. Liddell, Probate Judge in and for Kearney County, Nebraska Territory, personally appeared George H. Carlyle, of lawful age, who, being duly sworn according to law, doth depose and say as follows :

I have been in the employ of the Overland Stage Line, Ben. Holladay, Proprietor, in the capacity of Master of Transportation, from January 1st, 1863, to the present time, and during that time have superintended the placing of the supplies at all the stations on said Line, from Fort Kearney to the North Platte, a distance of six hundred and fifty miles; my duties compel me to be constantly on the road, passing back and forth. On the 9th of August, 1864, I left Alkali Station for Fort Kearney; on reaching Cottonwood Springs, I learned by telegraph, the Indians attacked a train of eleven wagons at Plum Creek, killed eleven men, captured one woman, burnt the wagons, and run off the stock; upon hearing this I started down the road, and, when within a few hundred yards of Gillman's Station, met a large body of Indians, who had just killed Gillette and two other men, a short distance east of Gillman's Station, and run off Gillman's and Dan. Smith's stock; these Indians followed the coach nearly twenty miles, waiting for a chance to attack it; I saw the bodies of Gillette and the two men lying on the ground; they were fearfully mutilated and full of arrows; at Plum Creek I saw the bodies of the eleven men that the savages had murdered, and helped to bury them; I also saw the fragments of the wagons still burning; I saw also the dead body of the man that was killed by the Indians at Smith's Rancho, and the ruins of the Rancho which had been burned. On reaching Kearney, I turned back to Cottonwood; on my way up saw seven Indians at Midway Station, from which station the Indians had driven the employees of the Line; these Indians seeing the coach coming up, ran off into the hills; on going into the house, found they had destroyed all the dishes, furniture, &c.; I then moved the stage horses to Dan. Smith's, and Miller and Pennison's Rancho, at which places the settlers had flocked for mutual protection against the savages; on returning down the road, I found the Indians had visited Platte Station, and stolen four stage horses; I continued going backwards and forwards over the route, until about the 16th of August, when orders were given by Mr. Otis, the General Superintendent of the Line, to draw off the stock and abandon the road. Previous to withdrawing the stock, application had been made to Brig. Gen. Mitchell, commanding the District, for troops to protect the coaches and stations; he declined to furnish them, giving as a reason that he had not a sufficient

number of men to protect his own posts ; we were thus obliged, in order to save our lives, to abandon the stations, grain, hay, &c., saving nothing but the stage stock and harness : before we left the road, every ranche on the road from Julesburg to Fort Kearney had been abandoned by their owners to the mercy of the savages ; after the abandonment of the road, it was impossible to get men or teams to remove the grain, hay, &c., left at the stations belonging to the Stage Line ; in consequence the following property belonging to the Line, in addition to what Riddell and Thomas have testified to, was lost, viz : At Plum Creek, two hundred and fifty sacks of corn ; at Platte, two hundred and fifty sacks of corn ; at Craig Station, two hundred and fifty sacks of corn, and twenty-nine head of work oxen. I have read the depositions of Thomas and Riddell, and fully concur with them in their estimate of losses sustained on their divisions, having myself placed the supplies at all the stations named, and in no instance have they over estimated the amount lost.

(Sg.) GEORGE H. CARLYLE.

Sworn and subscribed to, this 4th day of December, A.D., 1865, before me.

(Sg.) JOHN C. LIDDELL,  
Probate Judge,  
Kearney Co.,  
N. Territory.

**Loss and Damage done as per Affidavits of Geo. H. Carlyle and Sol. Riddle.**

1864.	<b>Midway Station.</b>	
Aug. 9.	Dishes and furniture destroyed.....	\$500
	<b>Platte Station.</b>	
	4 horses, \$350 each.....	1,400
	250 sacks corn, 28,000 lbs., 20 cts.....	5,600
	10 tons hay, \$40.....	400
	<b>Plum Creek Station.</b>	
	250 sacks corn, 28,000 lbs., 20 cts.....	5,600
	<b>Craig Station.</b>	
	250 sacks corn, 28,000 lbs., 20 cts.....	5,600
	29 head of oxen, \$100 each.....	2,900

***Affidavit of Sol. Riddle.***

Before me, John C. Liddell, Probate Judge, within

and for Kearney County, Nebraska Territory, personally appeared Solomon Riddle, of lawful age, who, being duly sworn, states as follows :

I was in the service of the Overland Stage Line as a Division Agent, on the route from Fort Kearney to Julesburg, from August 1st, 1864, to the 1st of March, 1865

About the 16th day of August, I was ordered to move my stage stock from the stations between Julesburg and Cottonwood Springs, taking part to the former place, and part to the latter ; this was done to save the same from the Indians, as they had begun to kill our people, and commit depredations along the route.

I did move the stock as ordered to the places named, and proceeded to remove my stock also east of Cottonwood Springs, taking part back to Cottonwood, and the balance to Fort Kearney. If this had not been done, as events fully proved, the stock of the Overland Stage Line from Kearney to Julesburg, would all have been taken off by the Indians.

In doing this we had to abandon our stations, all except Cottonwood Springs, on my Division. Pressed as we were for time, we could not dare stop to move off hay, corn, or other property connected with the service on the Line, and, consequently, the savages had full possession where they desired it, and took what they pleased from the stations. During this time there was only one company of soldiers at the Post, at Cottonwood Springs, and these were unable to do more than protect that Post.

After our abandonment, it was impossible to have returned at any time in season to save the property of the Stage Line.

The losses sustained of property by that Line in consequence of the abandonment of the stations, any one can see could hardly be detailed fully, owing to the various articles lost and destroyed ; and I can only remark that the people employed left in haste, without any care for our property, glad to save their lives by flight, and a few personal goods of light weight.

At Platte Station we abandoned two hundred and fifty sacks of corn, and ten tons of hay ; at Diamond Springs, two hundred and fifty sacks of corn, and fifteen tons of hay ; at Sand Hill, two hundred and fifty sacks of corn, and fifteen tons of hay ; at Alkali, two hundred and fifty sacks of corn, and twenty tons of hay ; at Elk



Horn, sixty-five sacks of corn, and ten tons of hay ; at Cold Springs, forty sacks of corn, and fifteen tons of hay ; at Gillman's, thirty sacks of corn ; at Midway, thirty sacks of corn, and fifteen tons of hay ; at Willow Island, fifty sacks of corn, and ten tons of hay ; at Plum Creek, fifteen tons of hay, the number of sacks of corn, I have not the account of ; at Platte Station, ten tons of hay ; at Craig Station, fifteen tons of hay, the amount of corn also at Platte and Craig Stations I could not correctly give, as others can and will.

Before we abandoned the stations, as I have stated, the Indians killed three men near Gillette's Ranche, or near it, viz: Gillette, his son, and his partner, who were engaged in putting up a house, having killed Robt. Corister a few days before. I saw the first party after they were dead ; I was only two miles from the place when Gillette and party were killed, and came down the road so soon after, that the bodies were yet warm and bleeding. This day I saw the Indians in large bodies frequently on the route, and saw them that day drive off stock from Gillman's Ranche, and Dan. Smith's Ranche also. They followed along after the small party I was with nearly to Midway, say twenty miles. They killed also eleven persons, with a train, only a mile or so east of Plum Creek, capturing two women and some children, burnt up the train, and drove off the stock ; likewise they killed a man at Smith's Ranche, and destroyed the Ranche by fire.

In the latter part of September, succeeding these events, the road was ordered to be stocked again by Mr. Holladay, the contractor. We did re-stock the road as fast as we could ; while doing so, the Indians attacked a pack train near Plum Creek Station, within one hundred yards of it, and killed one man. A party of men who had preceded us on their way to Utah, five in number, were all killed by the Indians ; I saw one of the dead.

A few days after this, after the coaches had begun to run again, the Indians fired into a coach at French's Ranche, nine miles west of Plum Creek, doing but little damage.

Some three days after this, a coach going west was fired at near Freeman's Ranche, a man named Jacobs, of Central City, wounded, a soldier wounded, who acted as guard, and a horse killed in the team. The passengers

fought off the Indians until the three living horses could be harnessed right, and then drove off and escaped.

Again, in the Winter following, in November I think, another coach was attacked, a Mrs. Abbott shot in the arm, and several persons struck with arrows, among them a telegraph operator.

Following this attack in July, and on the 7th of the month, the coach going west was attacked near Julesburg but succeeded in getting to that place as stated by Lt. Brown in his affidavit, and on that day the Indians took from the station at Julesburg, a riding mule and one set four-horse harness, while they had temporary possession of the station.

On the 19th of January, the Indians killed one of my stage drivers named McCook, and took a pair of stage horses and harness from him; he was taking them to another station; I saw him dead same day. I then proceeded to remove my stock off the Division as far as I could west of Cottonwood Springs, concentrating it at Alkali (as there was a Post at Alkali then, and Captain Murphy in command) and Cottonwood Springs.

On the 2d day of February, 1865, the Indians in large force, say 1,500 warriors, attacked Julesburg Station and destroyed it. I was there and saw all, that is, perhaps better related, or as well by others, as I could state it. They utterly demolished the whole place, leaving nothing behind of any value; all stores of corn, provisions, goods, of any kind, every thing destroyed or taken away. The property I speak of as destroyed, or taken at any time, was the property of the Stage Line, except when otherwise stated to belong to individuals.

(Sg.) S. RIDDLE,

Division Agent.

Sworn and subscribed to, before me, this 28th day of November, A.D., 1865.

(Sg.)

JOHN LIDDELL,

Probate Judge,

Kearney Co.,

Neb. Territory.

**Loss and Damage done as per Affidavit of Sol. Riddle.**

1864.

Diamond Springs.

August 16.	250 sacks corn, 28,000 lbs., 20 cts....	\$5,600
	15 tons hay, \$40.....	600

**Sand Hill Station.**

250 sacks corn, 28,000 lbs., 20 cts.....	5,600
15 tons hay, \$40 .....	600

**Alkali Station.**

250 sacks corn, 28,000 lbs., 20 cts.....	5,600
20 tons hay, \$40 .....	800

**Elk Horn Station.**

65 sacks corn, 7,280 lbs., 20 cts.....	1,456
10 tons hay, \$40 .....	400

**Cold Spring Station.**

40 sacks corn, 4,480 lbs., 20 cts .....	896
15 tons hay, \$40 .....	600

**Gillman's Station.**

30 sacks corn, 3,360 lbs., 20 cts .....	672
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**Midway Station.**

30 sacks corn, 3,360 lbs., 20 cts.....	672
15 tons hay, \$40 .....	600

**Willow Island.**

50 sacks corn, 5,600 lbs, 20 cts .....	1,120
10 tons hay, \$40 .....	400

**Plum Creek.**

15 tons hay, \$40 .....	600
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1865.

**Julesburg.**

January 7.	1 mule, \$100, 1 set 4 horse harness, \$120	220
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**On the Road.**

19.	2 stage horses and harness.....	45 0
Sept. 4.	1 horse shot out of team.....	200

*Affidavit of Geo. M. Lloyd.*

TERRITORY OF NEBRASKA, }  
 County of Douglas. } ss.

Before the undersigned, John R. Meredith, a Notary Public in and for said County, personally appeared George M. Lloyd, of lawful age, who, being duly sworn, doth upon his oath depose and say, that in the month of August, 1864, the deponent was the Agent of the Overland Stage Line, Ben. Holladay, Proprietor, having charge of the office of said Line at Fort Kearney, in the Territory of Nebraska.

That on or about the 9th day of August, 1864, no stage having arrived at Fort Kearney from Atchison for three days previous thereto, the deponent, with a driver and two United States soldiers as an escort, proceeded with a coach and four horses along the stage road toward Atchison, to learn the cause of the detention of the mails. On arriving at the Stage Station called Thirty-two Mile Creek, 35 miles from Fort Kearney, we found the station deserted by those who had charge, and we were there met by several families, who alleged they had been living on the Little Blue River, and were fleeing from the Indians to Fort Kearney for protection. These persons reported several persons killed by the Indians a few miles below the Station. Deponent and those with him proceeded down the Atchison road six miles, where deponent saw the bodies of six men who had been killed, and were being buried by some employees of the Stage Line, who were escaping up the road to Fort Kearney for safety and protection. Deponent being fully satisfied that it was dangerous to proceed any further down the road, or to remain at Thirty-two Mile Creek Station, the deponent and those with him gathered up the stock at said last mentioned station, and returned the same day to Fort Kearney.

At said station the horses that had been driven from Fort Kearney were taken out of the coach and others put in their places. The day was warm, and two of the horses which had been driven 41 miles down the road, from Fort Kearney to the place where the dead bodies were found, died from the effects of severe driving. The urgent necessity of reaching Fort Kearney for safety compelled rapid travelling, and the said horses being led, died before reaching the Fort, to which the deponent returned, after traveling eighty-two miles. Deponent further says that the value of the said horses which died, was two hundred dollars each, at that time; and further, deponent saith not.

(Sg.) GEO. M. LLOYD.

Sworn to and subscribed before me, this 5th day of January, 1866.

(Sg.) JOHN R. MEREDITH.

[Seal.]

Notary Public.

(Five cent stamp.)

**Loss and Damage done as per Affidavits of Geo. M. Lloyd, Chas. Ivins, and S. O. Jerome.**

1864.	Summit Station.	
August. 9.	Station, furniture, and bedding destroyed..	2,500
	<b>Thirty-two Mile Creek Station.</b>	
	Furniture, crockery, stores of station destroyed.....	2,500
	<b>Little Blue Station.</b>	
	Furniture and grain destroyed.....	2,000
	2 horses killed on the road, \$200 each....	400

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*Affidavit of Charles Ivins.*

Before me, John W. Hugus, a Notary Public within and for Kearney County, Nebraska Territory, personally appeared Charles Ivins, who duly sworn according to law, states as follows:

About the middle of August, A.D., 1864, just after the Indian murders and outrages on the Little Blue River, I came up on business for the Overland Stage Line, to see the state of things on the road, &c. &c.

I came from the East up to Fort Kearney. The Little Blue Station I found badly injured, windows broken out, doors torn off, floors partly torn up, chinking of the house knocked out, stable doors torn down, grain scattered about on the ground; how much I could not say.

Then at Thirty-two Mile Creek, I found that station badly damaged, the furniture destroyed, table-ware, &c., &c.; in fact, it was so injured that it would have cost near as much to repair as to rebuild it.

Both these stations had been deserted and abandoned wholly by the employees of the said Stage Line, in consequence of the late Indian murders.

I found Summit Station with furniture destroyed, windows and doors torn out, and generally dismantled by violence. This station had also been deserted by the employees. The stations aforesaid were, with their contents, the property of the Overland Stage Line, Ben. Holladay, Proprietor.

After this trip I was appointed Division Agent on said Line, on the route from Kearney to Rock Creek.

Since my taking charge of said route, the Indians

took from Pawnee Rancho, on my Division, four stage horses, three of which were after some weeks recovered, but utterly broken down and unfit for service, and worthless for use, having been subjected, as their appearance indicated, to the worst usage; the other horse, or the fourth one, has not been heard of yet, of course.

At Muddy Station last Winter, the Indians made a descent on that station, and destroyed some corn belonging to the Stage Line, some twenty or thirty bushels only. The station then belonged to other parties; at the same period some three or four tons of hay were destroyed at the same place.

In the month of May last, the Indians burnt up a station called Lone Tree, a house of logs, with two rooms, ready for use, save the windows and doors. This occurred within a few days after a detachment of soldiers were attacked at Indian Hollow, five or six miles south of Lone Tree, and four soldiers killed, and as many wounded, two mortally.

(Sg.) C. IVINS.

Subscribed and sworn to before me, this 24th day of November, A.D., 1865.

(Sg.)

JOHN W. HUGUS,

[Seal.]

Notary Public,

Kearney Co.,

Nebraska.

**Loss and Damage done as per Affidavit of Chas. Ivins.**

1864.	Pawnee Ranch.	
August.	4 horses, \$200 each.....	800
	Muddy Station.	
	1,500 lbs. corn, 12 cts.....	180
	Lone Tree Station.	
May.	Station burned .....	1,000

*Affidavit of S. O. Jerome.*

STATE OF MISSOURI, }  
Buchanan County. } ss.

Before me, A. B. Lyon, a Notary Public, within and for the County and State aforesaid, personally appeared Samuel O. Jerome, of lawful age, who being duly sworn according to law, makes oath and says, as follows:

I was a Division Agent on the Overland Stage Line from Atchison, Kansas, to Fort Kearney, from April 26th, 1864, to January, 1st, 1865.

On Sunday, the 6th or 7th day of August, 1864, the Indians made their first raid on the Stage Line, taking from Lone Tree Station nine head of horses used for staging, the station keepers flying from the several stations on the Blue River to save their lives, and in their flight killing five more head of horses by hard driving.

All of our stations, and all of the ranches of citizens from Thompson's to Hook's, were abandoned in consequence of this attack, many persons killed by the Indians in the time; eighteen in all killed, and four taken prisoners—two women and two children. Kiowa Station, the property of one Douglass, where I kept my stage teams, was utterly destroyed by fire.

Little Blue Station, the property of the Stage Line, was greatly injured, all furniture destroyed, floors torn up, windows destroyed, doors also, &c., &c.

Liberty Farm, the property of one Emery, was also burnt up, houses, stables, &c., &c. I kept stage horses there also, and two sets of my harness for the horses were also lost.

Thirty-two Mile Creek was abandoned by the station people, who kept it for the Line—furniture destroyed, house damaged, so it would have been useless to repair it; it was the property of the Line.

Summit Station was abandoned also by our people; this was the property of the Line; one end of the house was torn out, doors, windows, &c. destroyed, so injured that we abandoned it wholly. Over two hundred bushels of corn were lost at this place, and two stoves destroyed. Much damage was done in various ways to the property of the Line, that I could not pretend at this time to detail and estimate.

When the second raid was made on the Stage Line, and in the year 1865, I was not employed on it, and cannot state anything about it.

(Sg.)

S. O. JEROME.

Sworn to, and subscribed before me, this 7th day of December, 1865.

(Sg.)

A. B. LYON,

Notary Public.

**Loss and Damage done as per Affidavit of S. O.  
Jerome.**

1864.	<b>Lone Tree Station.</b>		
August 7.	9 horses, \$200 each.....		\$1,800
	5 horses killed while escaping from Indians.		1,000
	<b>Liberty Farm.</b>		
	2 sets double harness, \$110 each.....		220
	<b>Summit Station.</b>		
	200 sacks corn, 22,400 lbs., 12 cts.....		2,608

HEADQUARTERS DIST. OF COLORADO,  
Denver, December 2, 1864.

*Benjm. Holladay, Esq.,*

Propr. Overland Stage Line.

SIR:—I am directed to furnish your Line complete protection against hostile Indians, which I can only do by its removal from the Platte to the "Cut Off" route; as it now runs. I am compelled to protect two Lines instead of one. You will therefore remove your stock to the "Cut Off" route, which will enable me to use troops retained for an active campaign against these disturbers of public safety.

I am sir, with respect,

Your Obt. Servt.,

J. M. CHIVINGTON,

Col. Comdg. District.

*Affidavit of Reuben S. Thomas.*

Before me, John C. Liddell, Probate Judge in and for Kearney County, Nebraska Territory, personally appeared Reuben S. Thomas, of lawful age, who being duly sworn according to law, says:

I was a Division Agent on the Overland Stage Line, from January, 1864, to April, 1865, on the route from Julesburg to Denver City.

In the month of June, 1864, Indian outrages began on my route, first, by a battle with the soldiers under Lt. Dunn, who pursued them to retake stock stolen by them at Bijou Rancho. About the 2d day of July, the Indians killed two emigrants at or near Beaver Creek, on the Stage Road; I saw the men dead myself.

I saw the graves of two emigrants killed in the same



month, by Indians, near Junction Station, as I was informed, and was so generally known to be true.

On the 10th of January, 1865, the Indians killed four men between Valley and Dennison's Stations; I saw these men and helped to bury them; they were mutilated in the most horrible manner.

On the 16th of January, the Indians attacked American Rancho, kept by Wm. Mures, whom they killed, and his body was afterwards found in the river; they killed also, then, three other men, whom I saw dead at that place.

I saw Indians often on the route spoken of; on one occasion pursued some of them with a party of men and dispersed them on the hills. Julesburg Station was at the end of my route, and my duty confined me, of course, closely to that road.

During my stay as Division Agent on said route, while Indian hostilities were carried on, they took from Junction Station, five stage horses, about July 16th, and another stage horse from Beaver Creek about the same date; one from Lupton Station in August, eight from American Rancho Station in January following, with two sets of harness, and the day that Julesburg was burnt, they got two horses belonging to my route, making in all, up to the time I left the route, seventeen (17) head of stage stock taken by them from me as Agent aforesaid.

From the month of August to January, they took off my Route or Division, in all, fifty-eight (58) head of cattle, which were taken from the following stations of the Overland Mail Line, Ben Holladay, Proprietor, and the property of the same, as well as the horses aforesaid, viz:—Antelope, Spring Hill, Pleasant Valley or Valley Junction, Fremont's Orchard, and Living Springs.

I would also state that many other injuries were done to the property of said Overland Mail or Stage Line by the Indians; they burnt up Antelope Station, with the house of two rooms, a barn, corral, twenty-five tons of hay, and one hundred and twenty-five sacks of corn; they also burnt Julesburg Station entire out and out, with all its warehouses, dwellings, offices, shops, barns, Telegraph Office, with thirty tons of hay, and not less than thirty-five hundred sacks of corn, and other property I could not pretend to enumerate, as it was not immediately under my charge, and others can better explain

the full extent of the losses ; they burnt up Spring Hill Station, with its dwelling houses, barn, twenty tons of hay, and ninety sacks of corn, with all the furniture pertaining to the station ; they burnt up, also, the barn and corn, all of the Overland Stage Line, at Dennison's Ranche, with twenty-five tons of hay, and two hundred sacks of corn ; they burnt up the barn of the Overland Stage Line at American Ranche, with thirty tons of hay, and two hundred and twenty sacks of corn.

I would state also, by the superior force of the Indians we were driven to abandon all our forage supplies at Beaver Creek Station, Murray's Station, Junction and Bijou, and in consequence, we lost fifteen tons of hay at Murray's ; ten tons of hay at Junction, and seven tons of hay at Bijou, as well as twenty tons of hay at Valley Station ; we lost also, in the same manner, seventy-five sacks of corn at Beaver Creek, one hundred sacks of corn at Murray's Station ; one hundred sacks of corn at Junction, and forty-eight sacks of corn at Bijou. Likewise we lost under the same circumstances, having no control over our property whatever, in the general confusion and alarm which prevailed, twenty tons of hay at Toll-Gate Station ; ten tons of hay at Box Elder Station ; fifteen tons of hay at Kiowa ; five tons at Living Springs, and seven tons at Rock Bluff.

I would now state, about the first of November, 1864, as well as I can remember the date, I was instructed to move the Stage Line from Junction Station to Denver City, over on to the present Stage Route from Junction to Denver, an entire new route, and many miles east, and apart from the first named route.

This new route I was induced to adopt, is and was called the Cut Off. The old route to Denver was called one hundred miles ; the Cut Off is called eighty-five miles. Under the order alluded to, I had to tear down and move Fourteen Mile Station barn, forty miles ; Big Bend Station, consisting of a house, barn, and corral, sixty miles.

Lotham Station, consisting of a house, barn and corral, also sixty miles, and Eagle's Nest Station, with its barn, house and corral, twenty-four miles, with the hay and grain, and all other property pertaining to the said station.

(Sg.)

R. S. THOMAS.

Subscribed and sworn to, this 27th day of November,  
A.D., 1866.

(Sg.)

JOHN C. LIDDELL,  
Probate Judge,  
Kearney County,  
Neb. Territory.

*Affidavit of William Reynolds.*

DISTRICT OF COLUMBIA, }  
County of Washington. } ss.

William Reynolds, of lawful age, being duly sworn according to law, makes oath and says as follows :

I am the General Superintendent of the Overland Stage Line, having been such since the 23d of October, A.D., 1864, and familiar with the running of the same and its affairs generally, as my business demands a constant supervision of said Line, and my presence on the same at some point or other. I left the said Line to visit the East on business on the first day of February present, and expect to return in a few days.

Previous to my coming on to the said Stage Line to take control of the same, the Indians, as I was informed and believed, had committed many depredations upon the same, the extent of which I am not acquainted with as fully as others who were there on the Line. From the time I came on said Line, as stated, to the month of December, 1865, in the early part of the month, the Indians were engaged at short intervals of time in harassing said Line from Little Blue River, in Nebraska, as far West as Washkie Station, that station being some eighty-four miles west of Fort Halleck. Many of the depredations of course could not pass under my eye, as they were committed at points distant from each other often, and I could not be present always; but as the General Superintendent aforesaid, I had the duty devolved on me to repair all damages occasioned by them—that is, to supply horses, or mules, harness, forage, grain, stores and provisions, and to set the Line running again, with proper repairs to stations, rebuilding the same when necessary, or building stations on routes assigned to the Line by the proper military authority.

For example, over two hundred head of horses and mules were taken from the Line referred to during my control of it; a large amount of grain, harness, and other

property taken or destroyed, which it was my duty to replace with other property of like nature, and which it was indispensable to replace. In consequence of these heavy losses, depredations by Indians, it became necessary, to protect said Stage Line and the traveling emigration, as well as the freighters and carriers generally on the plains and mountains, that military forces should be scattered along the route of said Stage Line to resist the raids of those Indians. A considerable, indeed a large amount of grain and hay was taken and consumed by the military forces referred to above; wood hauled up for the use of stations was used by them also; several houses and stables destroyed by said forces, to be used for fuel and other purposes by them. The property was used as stated, no vouchers for the same ever having been given by any officer whatever, to my knowledge. If any was given, it was for a trifling amount indeed, and of no official consequence. I have seen the order made by Col. J. M. Chivington, of date Dec. 2d, 1864, requiring the Overland Stage Line to be removed from the Platte Route, between Junction Station and Denver City to the so-called "Cutoff" Route. The route thus abandoned was about one hundred miles long—that is to say, between said Junction Station and Denver. All the stations on said route had to be given up, and all of them moved on the Cutoff Route aforesaid, save the station at Fremont's Orchard, when this order was made, the Overland Stage Line forked from the route abandoned at a point called Latham, running thence to La Porte, and the foot of the Rocky Mountains. (The distance from Latham to La Porte, thirty-fives miles,) and thence to Salt Lake City.

Thus when the order was complied with, the new line traversed by the stages was thrown south of the former or Platte Route above referred to, some twenty miles at an average. This, then, forced me to send the mails intended for the country, west of Denver—that is, for Salt Lake City, Montana, California, Nevada, &c., from Denver City to La Porte, and to abandon, of course, the Route between Latham and that place.

Under the change of route, we had to establish a new road, make new stations over a distance of about one hundred and fifty miles, and wholly abandon the other road; the new stations thus established being twelve in number. All this was done in pursuance of the order of said officer.

(Sg.)

WM. REYNOLDS.

Sworn and subscribed to before me, this first day of March, 1866.

[Sg.]

JOHN S. HOLLINGSHEAD,

Notary Public.

[Seal.]

(Five cent Revenue Stamp.)

**Loss and Damage done as per Affidavits of R. S. Thomas and W. Reynolds.**

1864.	Junction Station.	
July 16.	5 stage horses, \$250 each.....	\$1,250
	Beaver Creek.	
	1 horse, \$250.....	250
	Lupton Station.	
Aug.	1 horse .....	250
1865.	American Ranche.	
January.	8 horses, \$250 each.....	2,000
	2 sets 4-horse harness, \$110 each.....	220
	2 horses, \$250 each .....	500
'64. '65.		
Aug. to Jan.	58 head of cattle, \$100 each.....	5,800
	Antelope Station.	
"	" House, barn and corral burned. ....	5,000
	25 tons hay, \$50 .....	1,250
	125 sacks corn, 14,000 lbs., 20 cts .....	2,800
	Spring Hill Station.	
	Dwelling houses, furniture, barns, &c.....	6,000
	20 tons hay, \$50.....	1,000
	90 sacks corn, 10,080 lbs., 22 cts.....	2,217 60
	Dennison's Station.	
	Barn and corral.....	2,500
	25 tons hay \$50.....	1,250
	200 sacks of corn, 22,400 lbs., 22 cts.....	4,928
	American Ranche.	
	Barn.....	1,500
	30 tons hay, \$50 .....	1,500
	227 sacks corn, 25,424 lbs., 22 cts .....	5,593 28
	Murray's Ranche.	
'64 '65		
Aug. to Jan.	15 tons hay, \$50 .....	750
	Junction Ranche.	
'64 '65		
Aug. to Jan.	10 tons hay, \$50.....	500

<b>Bijou Station.</b>	
7 tons hay, \$50.....	\$350
<b>Valley Station.</b>	
20 tons hay, \$50.....	1,000
<b>Beaver Creek Station.</b>	
75 sacks corn, 8,400 lbs., 22 cts .....	1,848
<b>Murray Station.</b>	
100 sacks corn, 11,200 lbs., 22 cts .....	2,464
<b>Junction Station.</b>	
100 sacks corn, 11,200 lbs., 22 cts.....	2,464
<b>Bijou Station.</b>	
48 sacks corn, 5,376 lbs., 22 cts.....	1,182 72
<b>Tollgate Station.</b>	
20 tons hay, \$50 .....	1,000
<b>Box Elder Station.</b>	
10 tons hay, \$50.....	500
<b>Kiowa Station.</b>	
15 tons hay, \$50.....	750
<b>Living Springs Station.</b>	
5 tons hay, \$50.....	250
1864.	<b>Rock Bluff Station.</b>
7 tons hay, \$50 .....	350
Nov. 1.	Cost of moving stations, hay and grain, and rebuilding the same on 100 miles of road, known as the Platte Route to the Cut Off, by order of Colonel J. M. Chivington, commanding District of Colorado.....
	50,000
<b>From October 23, '64, to Dec. '65.</b>	
For Grain, Provisions, Hay, &c., used by the troops, and fuel and stations destroyed by them.	
	30,000

*Affidavit of Edward B. Murphy.*

Before me, John C. Liddell, Probate Judge in and for Kearney County, Nebraska Territory, personally appeared Edward B. Murphy, Captain of Company A, Iowa Cavalry, of lawful age, who, duly sworn according to law, says:

Indian outrages being reported at the time, I was or-

dered by the Commanding Officer at Fort Kearney, with my company, to proceed to the scene of disturbances, and left Fort Kearney on the 12th day of August, 1864, for the country lying in the Little Blue River.

I found, on my way, at Hook's place, 10 miles east of Kearney, a number of the people who had fled from that region for protection.

I found all the ranches deserted from Hook's to Little Blue Station, and at a place called Indian Hollow, about thirty-five miles west of Little Blue, I found a number of wagons deserted, with their freight, and a grave where men had been partly buried, seven in number, it was stated by those who knew the fact; goods scattered about, wagons damaged, &c. &c.

Two miles this side—that is, west of Pawnee Rancho, I found a rancho burnt up, except a stack of hay.

At Pawnee Rancho, I found it deserted wholly; at Liberty Farm I found the houses and stables all burnt up. Next we found a coach burnt up, the property of the Stage Line, by whom I could not say.

I found the ranches all deserted to Little Blue Station, including it also; there I found a large train corralled, several wagons burnt, and no one with the train, stock all gone, boxes of goods broken open, kegs of liquor destroyed, and general ruin of the freight as far as it was capable of injury. Two miles below we found the bodies of one woman, two children, and two men, the bodies badly mutilated; these we buried.

I then went off north, on the Fort Riley road, sent out flanking parties, and found Indians herding some six hundred head of cattle; we recovered these cattle and drove them back to the men who had charge of them before on the main road where they had been taken; they returning for that purpose. Before we got back to the main road we had a skirmish with a party of Indians to the number, I think, of one thousand, they having their families with them; we lost two men, but killed twelve that we were sure of; I would remark that we had a piece of artillery with us. On the next day I returned to the Fort. as I was about out of provisions and ammunition; indeed, I had gone further and stayed longer than my orders permitted or anticipated, owing to my anxiety to follow up the Indians, see what they had done, test their force, and recover, if possible, property taken by them, and protect life as well.

On this trip the Mail Stations of the Overland Stage Line I found deserted, left apparently without regard to preserving anything but life. Under orders I left Kearney on the 25th of August, proceeded to Plum Creek, thirty-five miles west of Kearney, remained there to September 2d; I found several ranches of citizens burnt, on the way from Kearney to Plum Creek.

The Stage Line had then ceased to run; and it could not have continued to run without a heavy military force with the coaches, which could not be had at all. On September 2d I went off south of the main road, with the command of Genl. Curtis, returning to the road about the 16th of the month at Cottonwood Springs, about 100 miles west of Kearney.

I then went up the road with the command of Genl. Mitchel, proceeding as far as Ash Hollow; we found ranches and Mail Stations all deserted, Baker's Ranche burnt, and the Mail Station called Elk Horn destroyed by fire.

From this time forward Indian outrages continued from time to time, rendering travel unsafe up to this date, without military protection. During the fall and winter after this period just spoken of, I was engaged in building the Post of Alkali, and in command of the same; while in command at Alkali the Indians drove off some cattle of contractors, about 100 head, and some two hundred head belonging to others in the month of January. In this month I was ordered to relieve some troops at Beauvais Station with a detachment of my company; thence I went to Julesburg on business. About 2 o'clock in the morning of the 7th of January, report came to the Post that the mail coach had been attacked by Indians; the report was not credited at the time; the coach was attacked, however, below Julesburg, about 4 miles, but was driven to a ranche called Beuler's Ranche, within two miles of Julesburg, and found protection till morning. The report came again that the Indians had attacked a train below Julesburg, and at once the available force then at that post (which was then called Fort Rankin,) mounted and proceeded to the scene of disturbance; we found that the Indians had killed two men of the train, and retreated to the hills; we pursued them and fought with their advance for some distance, until surrounded by a large force of them, estimated to be from 1200 to 2,500 warriors; they killed fifteen soldiers, all one platoon



that they surrounded, and one man after that, and three citizens near the ranche aforesaid.

Our force retreated to the ranche, part of the men engaged being forced to separate from us, and go in direction of the Fort. This day the Indians attacked the Mail Station Julesburg, and would have destroyed it, no doubt, but for fear of the artillery at Fort Rankin, a mile and a quarter from Julesburg, which was playing on them actively. They were in and about Julesburg four hours, destroying the machinery of the telegraph, breaking open houses, taking and destroying grain, flour, house furniture, bedding, &c., &c. The employees at the station had fled to Fort Ranken to save their lives.

Immediately after the raid, the Indians burnt up all the stations of the Mail Line, and every ranche on the road between Julesburg and Valley Station, except Moors' Ranche.

They also injured the Telegraph Line greatly, cutting the wire at intervals, all the way to Valley Station from Julesburg, and at one point they cut the telegraph poles for ten miles. I repaired all this injury under orders given me; they also destroyed the Telegraph Line for twenty-seven miles, I was informed, on the route from Julesburg toward Laramie; I omitted to state that in February, 1865, the Mail Station called Sand Hill was destroyed by fire. From August, 1864, to this day, the Indians have been in a state of hostility and warfare, committing outrages from time to time, killing our people, and robbing trains; a short respite from these outrages was gained by the advance of Genl. Connor's force into the heart of their country, in pursuit of their villages and main body of warriors last Summer.

(Sg.) E. R. MURPHY.

Sworn and subscribed to, before me, this 28th day of November, A.D., 1865.

(Sg.) JOHN C. LIDDELL,  
Probate Judge,  
Kearney Co.,  
Neb. Territory.

**Loss and Damage done as per Affidavit of Cap. E. B. Murphy, of Co A., 7th Iowa Cav.**

1864.

Liberty Farm.

Aug. 12. Coach burned ..... \$1,200

## Elk Horn Station.

Sept. 2.	Station burned.....	3,500
1865.	Sand Hill.	
Feb.	Station burned.....	2,500

*Affidavit of W. M. Hudnut.*

STATE OF MISSOURI, }  
 Buchanan County. } ss.

Before me, C. M. Thompson, a Notary Public, within and for the County and State aforesaid, personally appeared William M. Hudnut, of lawful age, who, being duly sworn according to law on oath states as follows :

On the morning of January 7th, 1864, one of the coaches of the Overland Stage Line, on which I was at the time in the capacity of a Messenger for said Line, was attacked by Indians about four miles east of Julesburg, they firing at the same repeatedly, and following it about two miles to Benton's Ranche, where we stopped for safety, and the Indians left us.

We proceeded after a time to the station at Julesburg, about a mile and a half distant; changed horses and went on to Fort Rankin, about a mile further west, to deliver the mail there and apply for an escort to the coach, the officer in command, I understood, being Capt. N. J. O'Brien; we stopped at the Fort a short time, and the Commander being unable to give us an escort, I returned to the Station at Julesburg, considering it folly to proceed further.

I had the stage horses put up in the stable, and determined to proceed only when assured of safety and protection. In the meantime Capt. O'Brien, with a company of soldiers, had passed by the station to pursue the Indians, and soon after I had put up the stage horses I saw him engaged with them, a short distance southeast of the station, say three-quarters of a mile off, and almost immediately I saw the soldiers were retreating toward the station, the Indians in pursuit. Very soon the detachment dashed past the station toward the Fort, warning the people to save themselves if they could. We did flee at once, and fast as we could, to the Fort, with difficulty escaping the enemy. The coach which I had charge of was left standing with all its mail matter, express and money packages, and abandoned utterly, as well as the station and all its appurtenances.

When the command spoken of reached the Fort, Capt. O'Brien was reinforced by some citizens who had stopped there, and a few soldiers whom he had not taken out in the morning, and returned to try and protect the station. He succeeded in repulsing them after they had been in possession only a short time. I found the coach empty, the safe gone, the mail bags cut open, letters scattered all about, as the wind was high. Express goods gone also, with the exception of a letter press and some light packages of small value, such as ladies' dress trimmings.

One package of \$10,000 in Treasury Notes was found, belonging to C. A. Cook, Denver, picked up where the savages had dropt it. Another package of \$150.00 was found; another of \$50.00, also another of \$50.00. Express envelopes that had covered money remittances were found here and there about on the Prairie. The fixtures of the telegraph office were torn apart and greatly damaged; grain cut, corn scattered about, flour sacks cut, the flour emptied out, and sacks taken; the bed-clothes and wearing apparel of the station taken, provisions carried off, windows smashed in, doors broken down, and much damage that I could scarcely enumerate done generally.

(Sg.) WILLIAM M. HUDNUT.

In witness whereof, I have hereunto set my hand and affixed my Notarial Seal, at office in St. Joseph, Mo., this seventh day of December, A.D., 1865.

(Sg.) C. M. THOMPSON,  
Notary Public.

[Seal.]

(Five cent stamp.)

**Loss and Damage done as per Affidavits of Wm. M. Hudnut.**

1865 Julesburg Station.

Jan. 7. Damage to Coach.....	\$500
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*Affidavit of Richard Quinn.*

TERRITORY OF COLORADO, } ss.  
County of Arapahoe. }

Richard Quinn, of Julesburg, in the Territory of Colorado, being duly sworn, deposes and says, that he now is and during all the time hereinafter mentioned, has been the Local Agent of the Overland Stage Line, Ben. Holladay, Proprietor, at said Julesburg; that said Julesburg

was, during the time hereafter mentioned, the junction and head-quarters of two divisions of the said Overland Stage Line, where various shops and buildings, and the supplies for the said divisions, were located and kept, and where much valuable property of the said Ben. Holladay, and used in the maintenance of said Overland Stage Line was stored and kept. And the said affiant further says, that on the seventh day of January, A.D. 1865, the said Overland Stage Station at Julesburg was attacked by hostile Indians at about nine o'clock in the forenoon of that day, and that during said attack the passenger coach of said Stage Line, bound westward, and there standing in front of the Stage Office at said Julesburg, was robbed of its contents, and the said contents destroyed by said Indians; that there was then destroyed, or carried off by said Indians, seven sacks of mail matter and the express box, with its treasure; also two bales of clothing, the property of the said Ben. Holladay; also one mule belonging to the said Holladay was run off and taken away by said Indians.

That on the twentieth day of February, in said year, 1865, said Julesburg was attacked by fully fifteen hundred hostile Indians, the whole number of said Indians in the vicinity of Julesburg at that time being estimated at from four to five thousand; that at said attack the employees of said Stage Line were driven off from said station at Julesburg, and all the buildings of the said Stage Line, consisting of a dwelling house, warehouses, shops, stage and telegraph offices, barns and corralls, all the property of the said Ben. Holladay, as proprietor of said Stage Line, were fired and burned by said Indians; that there was also destroyed by said Indians, by burning the same, thirty tons of hay, and about six thousand (6,000) bushels of corn, of which said corn a portion was afterwards recovered or saved from the fire, but in such a damaged condition as to be worthless; that there was there also destroyed, in manner aforesaid, a quantity of other stores belonging to said station, consisting of provisions, the quantity and amount is to this affiant unknown; that all of the said property destroyed or carried off as aforesaid at the said last mentioned attack, including one horse not before mentioned belonging to said station, and was for the use of the said Overland Stage Line, and was the property of the said Ben. Holladay. That the said property has not been recovered except a portion of the corn as aforesaid, and the whole

of said property by said Indians destroyed and carried off, is a total loss. That the aforesaid depredations were committed by Indians of the Sioux, Arapahoe and Cheyenne tribes, as deponent really believes, and depredations could not by any possibility have been prevented by the employees of the said Overland Stage Line then at said Julesburg; that at the time of said attack, there was at said Julesburg a number of soldiers, about one-half of a company, which said soldiers were unable to repel the attack of said Indians.

And further deponent saith not.

(Sg.)

RICHARD QUINN.

TERRITORY OF COLORADO, }  
County of Arapahoe. } ss.

I, Henry A. Clough, Clerk of the District Court of the First Judicial District of the Territory of Colorado, do hereby certify, that on this day, before me personally, Richard Quinn, whose signature is attached to the foregoing affidavit, and made oath that the statements contained in said affidavit by him subscribed, were true in substance and in fact.

Witness my hand and the seal of said Court, at Denver, in said Territory, this 5th day of December, A.D. 1865.

[Seal.]

(Sg.)

HENRY A. CLOUGH,

Clerk.

Five Cent Stamp.

TERRITORY OF COLORADO, }  
County of Arapahoe, } ss.

I, William H. Gale, Associate Justice of the Territory of Colorado, and Judge of the District Court of the First Judicial District of said Territory, do hereby certify, that Henry A. Clough now is, and at the time of making the foregoing certificate was Clerk of said Court; that the signature of the said Clough is attached to said certificate, and that his said attestation is in due form of law.

Witness my hand and seal, this 5th day of December, A.D., 1865.

(Sg.)

WM. H. GALE,

Associate Justice, &c.

*Affidavit of Andrew S. Hughes.*

STATE OF KANSAS, }  
 Atchison County. } ss.

Before me, John J. Ingalls, a Notary Public within and for the County and State aforesaid, personally appeared Andrew S. Hughes, of lawful age, who, being duly sworn according to law, says as follows :

“On the 2d day of February, A.D., 1864, in company with Mr. Clift, then Assistant Superintendent of the Overland Stage Line, travelling in a coach accompanied by a military escort, we came in sight of Julesburg Station about 2 o'clock or later in the evening, when we perceived that place to be on fire, and invested by Indians to the number, I should think, of at least fifteen hundred. We halted some distance east of the place for a time, until the Indians evacuated the premises, and crossed the Platte River to the north side. After this halt for, say an hour, and the departure of the savages, we went to the station, and found everything in the shape of a house, or building of any sort, on fire, and too far advanced to be extinguished.

We stopped there, however, to try and save something from the flames, but succeeded only in saving some sacks of corn, which was, however, so damaged, smoked and parched by fire, as to be utterly useless, I should think, and not fit for any animal to eat. Nothing else was saved—nothing at all, that I saw. The destruction of the station was full and complete. After we had been there a short time, some troops came to the station from the post near there, then called Fort Rankin, and we passed on with them to that post the same evening. I remained a week at Julesburg, and while there, troops were sent out to repair the Telegraph Lines on the routes leading west and south of Julesburg, which had been destroyed for some distance by the Indians.

(Sg.)                    ANDREW S. HUGHES.

Subscribed in my presence and sworn to before me, this sixth day of December, A.D., 1865.

(Sg.)                    JOHN J. INGALLS,  
                                  Notary Public.

*Affidavit of Lt. J. S. Brewer*

Before me, John W. Hugus, a Notary Public within and for Kearney County, Nebraska Territory, personally appeared John S. Brewer, 1st Lt., Company F, 2d Iowa Cavalry, of lawful age, who, being duly sworn according to law, states as follows: I was on duty at Fort Rankin (now called Sedgwick,) about one mile and a half from the U. S. Mail Station, called Julesburg, on the 2d day of February, A.D., 1865, when said station was attacked by combined bands of Cheyenne, Sioux, and Arapahoes, about seven o'clock in the morning; the force of warriors was variously estimated from fifteen hundred to twenty-five hundred; they were around that station till late in the evening, our force skirmishing with them frequently, but unable to succeed in driving them off; they drove off the employees of the Overland Stage Line to the Fort, and got entire possession of the station, with its appurtenances, and all the property connected therewith, and kept them, taking off stores of different kinds, such as flour, corn, &c. &c., during the day, setting fire to the buildings of the station about two o'clock P. M., and completely destroying them all, with all the hay and stores there contained; some corn was taken out, but this was entirely worthless, to my own personal knowledge, for I let the Superintendent have, as a loan, for a short time, some corn to supply his stage teams, by order of Col. Livingston, then in command of the District.

This same party of Indians, on the 6th of February, drove off nine head of beef cattle of the Quartermaster's Department, sixty odd head of Bridgman & Chandler, who were in the employ of the Government, and on that day, it is probable, the amount of cattle taken off by the Indians would not fall short of five hundred head, belonging to various persons.

I was in the battle with the Arapahoe Indians on Tongue River, on the 27th of August, 1865, and recognized some articles taken by them from Julesburg; these articles were found by us after the defeat of said Indians, in their camp. In 1864, I was stationed at Post Cottonwood, on the Platte River, about one mile and a half from the Mail Station called Cottonwood Springs. The first attack by Indians on the settlers, or their first hostile demonstration, was in September of said year: they took some property from North's Rancho, about

two miles from the Post; at the same time they had a professedly friendly deputation visiting the Post, under the chief named Two Face; the next day they attacked a party of our men in Cottonwood Canon, about nine miles south of the Post, (Cottonwood) and killed two soldiers of the party which was commanded by Capt. Mitchell, of the 7th Iowa Cavalry. I could go on and give many instances of their outrages, murders, and robberies, but deem it unnecessary; I may as well state that no less than thirty-seven of the men of the company I belonged to, were killed in rencounters with them.

I knew, of my own knowledge, that there was a large amount of grain and flour in the warehouses of the Stage Line when they were destroyed by the Indians on the 2d of February, as stated by me in their destruction of Julesburg. During the outrages committed by the Indians in January and February, 1865, all the Mail Stations of the Overland Stage Line were destroyed by fire, between Julesburg and Valley Station, supposed to be work of the Indians, of course; indeed, well known to be such. After the defeat of the Arapahoe Indians, on the 27th of August, as stated, there was then found horses and mules belonging to the Overland Stage Line, with Ben Holladay's brand on them, viz: "B. H.," the number I do not remember, but they were turned over to the Quartermaster's Department.

On the 7th day of January, 1865, the Indians made a demonstration on a train near Julesburg, and at the same time attacked one of the coaches of the Mail Stage Line; this fact was reported to the commander of Fort Rankin, (now Sedgwick), and about six o'clock in the morning, a part of my company was ordered to the scene of trouble, Capt. O'Brien in command; I was one of the party. On reaching the place we were directed to, we found three citizens dead; the coach had, however, reached Julesburg; we saw Indians on the hills about a mile off, and gave pursuit, followed them for some miles, found their force overwhelming, and were obliged to retreat, which we did, with the loss of fifteen men, passing Julesburg on our retreat.

The Indians, on this day, had possession of the Mail Station for more than an hour, taking off flour, clothing, bed-clothes, and much other property, besides destroying utterly the Telegraph Office. In stating about the Mail Stations destroyed between Julesburg and Valley



Station, I wish to recur to the same subject again and say, that there was not a doubt that these were destroyed by the Indians; the facts duly ascertained by the military authorities as fully as possible.

(Sg.) J. S. BREWER,  
1st Lt. Co. 7th,  
Iowa Cavalry.

Subscribed and sworn to before me, the day and date first above written.

(Sg.) JOHN W. HUGUS,  
Notary Public,  
Kearney Co.,  
Nebraska.

**Loss and Damage done as per Affidavits of Richard Quinn, R. S. Thomas, A. S. Hughes, Sol. Riddle, and Lieut. J. S. Brewer.**

1865. Julesburg Station.

January 7.	2 bales of Clothing.....	\$1,500
	1 mule.....	200
	Express box and treasure .....	15,658
Feb. 20.	Telegraph office.....	35,000
	Frame station.....	
	Large barn.....	
	Warehouse .....	
	Blacksmith's shop.....	
	Corrals, &c.....	1,500
	30 tons hay, \$50 .....	
	3,500 sacks corn, 392,000 lbs., 20 cts....	78,400
	Provisions and stores.....	2,000
	1 horse.....	200

*Affidavit of James Stewart.*

Before me, John C. Liddell, Probate Judge in and for the County of Kearney, Nebraska Territory, personally appeared James Stewart, of lawful age, who, duly sworn according to law, says:

I have been a Division Agent on the Overland Stage Line since the 17th of November, 1862, and am yet in that service; my route extends from North Platte River to Green River.

On the 19th day of May, 1865, the Indians came to the Bridger's Pass Station in the night; the stock-tender saved himself by flight, and they robbed the station of

flour, other articles of small amount, and a Sharp's rifle ; the teams were out on the road at the time.

On the same day they attacked a train near the station, and drove off eighty-two head of oxen, the property of emigrants or freighters.

On the 22d of May, at Sage Creek, the Indians drove off nine head of stage horses pasturing close to the station ; Capt. Brown, of Nevada cavalry, pursued them next day ; I accompanied him several miles on the Indian trail, which led off north to Sweet Water River ; Capt. Brown followed the Indians three days, but returned unsuccessful.

On the 26th of May, at Bridger's Pass, the Indians drove off the stock-tender, and took nine head of stage horses, destroying eight harness, robbing the station of all portable articles of any value.

I saw on the 2d of June two men (emigrants) that had been killed by the savages.

On the eighth of June, the Indians again attacked Sage Creek Station, drove off five soldiers and two of my men, pursued them, killed two soldiers, wounded two, and killed both of my men. They got from me this day, five stage horses, and cut up one set harness, and burnt up the station barn : I saw the men that were killed, and buried one of them next day ; the soldiers that were dead being hauled on to Halleck for burial.

At Pine Grove Station, the Indians, on the 9th of June, took off many articles from the station, destroyed the cook stove, and cut up two sets harness, the station having been deserted by my men previously.

On the 12th of June, the Indians took from my herdsmen at Sulphur Springs, thirty-four head of Stage horses, and nine head of mules ; they fired on the men, three in number, and drove off the animals. This lot of stock had been collected in from the other stations east of Sulphur Springs for safe keeping. This party of Indians were about twenty-five strong ; Capt. Humphreyville, of the Ohio Cavalry, having reached that place that day escorting a mail with two coaches, or one coach and a wagon, pursued the savages, followed them five miles, and returned unsuccessful ; I was at Sulphur Springs at the time.

At Washkie Station, on the 2d of June, the Indians attacked the place, had a fight with the soldiers there, wounding one man, and driving off nine head of U. S. Cavalry horses ; I saw the wounded man next day.

(Sg.) JAMES STEWART.

Subscribed and sworn to before me, this 27th day of November, A.D., 1865.

(Sg.) JOHN C. LIDDELL,  
Probate Judge,  
Kearney Co.,  
Neb. Territory.

**Loss and Damage done as per Affidavit of Jas. Stewart.**

1865.	Bridger's Pass.	
May 19.	Flour, Sharpe's rifle ...	\$100
	Sage Creek.	
22.	9 horses, \$200 each.....	1,800
June 8.	5 horses, \$200 each.....	1,000
	1 set four-horse harness.....	120
	Station and barn.....	2,500
	Bridger's Pass.	
May 26.	9 horses, \$200 each .....	1,800
	8 sets single harness, \$30 each.....	240
	Supplies about.....	100
	Pine Grove.	
June 9.	Property valued at....	500
	Sulphur Springs.	
June 12.	34 horses, \$200 each.....	6,800
	9 mules, \$150 each.....	1,350

*Affidavit of R. J. Spotswood.*

TERRITORY OF COLORADO, {  
County of Arapahoe. } ss.

Robert J. Spotswood, being duly sworn, on oath, deposes and says :

That he is the Division Agent of the Overland Stage Line, Ben. Holladay, Proprietor, on the division of said road or line, extending from the City of Denver, in the Territory of Colorado, to the North Platte River, in the Territory of Dacotah, and has been such agent during all the time hereinafter mentioned ; that at the time and places following, the property belonging to Ben. Holladay, Proprietor of said Stage Line, and hereinafter mentioned, was run off and taken away by Indians—that is to say :

In the month of June, A.D., 1865, at Elk Mountain

Station, on said road, twenty-two head of mules, four head of horses, and two ponies were run off and taken away as aforesaid. In the said month of June, at Sulphur Springs Station, on said road, six mules and one horse were run off and taken away as aforesaid. In the month of July, in said year, at Medicine Bow Station, on said Division of said road, two ponies were run off and taken away as aforesaid. In the month of July, in said year, at Rock Creek Station, on said Division on said road, one pony was run off and taken away as aforesaid.

At Cooper Creek Station, on said Division on said road, in the said month of July, one pony was run off and taken away as aforesaid.

At Willow Springs, on said Division of said road, and in the month of August in said year, six mules, two horses, and one pony were run off and taken away as aforesaid.

At Virginia Dale, on said Division of said road, and in the months of July and August in said year, two mules were run off and taken away as aforesaid; also one mare and colt, and eight cows.

At Stonewall Station, on said Division of said road, and in the month of August in said year, two yoke or four oxen, were run off and taken away as aforesaid.

And the said deponent furthur saith, that at the times and places hereinafter mentioned, the following property of Ben. Holladay, Proprietor of said Stage Line, was destroyed by Indians, as aforesaid—that is to say :

At Medicine Bow Station, on said Division of said road, and Stage Line, and in the month of July in said year, A.D., 1865, the corral or enclosure for stock was destroyed by Indians, as aforesaid.

At Rock Creek Station, on said Division of said road, and in the said month of July, one corral or enclosure for stock destroyed as aforesaid.

At Cooper Creek, on said Division of said road, and in the said month of July, the corral or enclosure for stock was destroyed; also at the same time and place, the doors and windows of the station house were destroyed, and one large cooking stove and one box stove were broken, the value of which, said doors, windows and stoves, at said station of Cooper Creek, deponent believes to have been the sum of three hundred dollars.

At Little Laramie Station, on said Division of said road, and in the month of August in said year, the station or stage house, and the corral or enclosure for stock

burnt and destroyed. At Willow Springs, on said Division and road, and in the month of August in said year, one corral destroyed, but whether by Indians or otherwise, after the Indians compelled the same to be abandoned, deponent cannot say.

And deponent further saith, that at the times and places hereinafter mentioned, the following property of Ben. Holladay, Proprietor, said Road and Stage Line, was killed by the Indians:

At the aforesaid station of Virginia Dale, and in the month of July or the month August of said year, deponent not being able to say which month, one mule was killed by said Indians, and also one bull.

And the said deponent further says: That the said property, so as aforesaid run off and taken away, destroyed or killed, was the property of Ben. Holladay, Proprietor of the said Stage Line, and was taken off, destroyed or killed by hostile Indians, of the Cheyenne, Arapahoe and Sioux Tribes; that the servants and employees of the said Ben. Holladay, at the aforesaid respective places, were unable to prevent the said Indians from committing the said depredations; that the said property has never been recovered, either in whole or in part from the said Indians, and is, as the said deponent verily believes, totally lost to the said Ben. Holladay.

(Sg.) ROBERT J. SPOTSWOOD.

UNITED STATES OF AMERICA, }  
Territory of Colorado, } ss.  
County of Arapahoe.

I, Henry A. Clough, Clerk of the District Court of the First Judicial District of the Territory of Colorado, setting within and for the County of Arapahoe, do hereby certify that Robert J. Spotswood, whose name is subscribed to the foregoing affidavit, this day appeared before me in person, and made oath that the said affidavit was by him subscribed, and that the same was true. In witness whereof, I have hereunto set my hand and the seal of said Court, this 30th day of November, A.D., 1865, at Denver, in the County and Territory aforesaid.

(Sg.) HENRY A. CLOUGH,  
Clerk.

[Seal.]  
(Stamp.)

I, William H. Gale, Associate Justice of the Territory of Colorado, and Judge of the District Court of the First

Judicial District of said Territory, of which the County of Arapahoe forms a part, do hereby certify that Henry A. Clough, whose name is attached to the foregoing certificate, is now, and at the time of the signing and sealing thereof, was Clerk of the said Court, and as such, authorized to administer oaths, and that his said attestation is in due form of law.

Given under my hand and seal, this 30th day of November, A.D., 1865.

[Seal.]

(Sg.)

WILLIAM H. GALE.

**Loss and Damage done as per Affidavit of R. J. Spotswood.**

1865.	<b>Elk Mountain Station.</b>	
June.	22 head of mules, \$20 each.....	\$4,400
	4 horses, \$225 each.....	900
	2 ponies, \$50 each.....	100
	<b>Sulphur Springs Station.</b>	
	6 mules, \$200 each .....	1,200
	1 horse.....	225
	<b>Medicine Bow Station.</b>	
July.	2 ponies .....	100
	Corrall destroyed.....	150
	<b>Rock Creek Station.</b>	
	1 pony.....	50
	Corrall destroyed .....	250
	<b>Cooper's Creek Station.</b>	
	1 pony.....	50
	Corrall destroyed.....	300
	Doors and windows of station-house.....	
	Cooking and box stove.....	
	<b>Willow Springs Station.</b>	
August.	6 mules, \$200 each .....	1,200
	2 horses, \$225 each.....	450
	1 pony.....	50
	Corrall destroyed .....	250
	<b>Virginia Dale Station.</b>	
July and August.	2 mules, \$200 each. ....	400
	1 mare and colt.....	250
	8 cows, \$50 each .....	400
	1 mule killed .....	200
	1 bull killed.....	75

## Stonewall Station.

August. 2 yoke of oxen, \$100 each.. .. .	200
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## Little Laramie Station.

Station and corral destroyed .. . . .	3,500
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*Affidavit of Wm. Trotter.*

Before me, John W. Hugus, a Notary Public within and for Kearney County, Nebraska Territory, personally appeared William Trotter, of lawful age, who, being duly sworn according to law, states as follows:

I was in the service of the Overland Stage Line, under Reuben Thomas, Division Agent on the route from Julesburg to Denver, from August 1st, 1864, to February 5th, 1865.

About the latter part of December, of 1864, the Indians, at night, took off from the stable of said Line, at American Rancho, several horses and some harness; they got all the horses in the stable but two of them, or took only two of them, and which I cannot now clearly state; the animals taken were stage horses. A short time after this occurrence, the Indians burnt the barn or stable at the same rancho, with thirty tons of hay stacked there, the property of the Line, all of it; they also, about the same time, burnt the barn at Dennison's Rancho, with about twenty-four tons of hay, the property also of said Line; they burnt and utterly destroyed Spring Hill Station, which belonged to the Line, consisting of a framed barn, and dwelling house with four rooms, with furniture complete, destroying stores, &c. &c.; at this station they burnt up about twenty tons of hay.

In the same raid they burnt up Antelope Station, consisting of a barn and house, with the usual furniture for a home station, and about forty tons of hay. In the raid referred to, the Indians destroyed fifty to seventy-five sacks of corn at American Rancho, about one hundred sacks of corn at Dennison's Rancho, about forty to fifty sacks of corn at Spring Hill; all the property referred to as destroyed by Indians, belonged to said Stage Line, and that it was destroyed by them, there is not any doubt.

(Sg.)

WM. TROTTER.

Subscribed and sworn to before me, the day and date  
first above written.

(Sg.)

[Seal.]

JOHN W. HUGUS,  
Notary Public,  
Kearney Co.,  
Nebraska.

(Five cent stamp.)



BRIEF STATEMENT OF THE CASE, AND REF-  
ERENCE TO PRECEDENTS, &c.

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The memorial of Benjamin Holladay, herewith presented, is accompanied with copies of the affidavits, proofs, and the military orders referred to in said memorial, and the original proofs, affidavits, &c., are ready for submission under the direction of such appropriate committee as the claims herein made may be referred to for examination.

All claims of the character herein referred to, illustrate the extreme hardship of frontier life, and of the great struggles of the early travelers, or business men, who were compelled to cross the desolate and desert country lying between the Missouri River and the heart of Utah. The frontier line was always a movable line, and went West with the spread of advancing settlement. Just ahead of the frontier line, always were encountered the unceasing, unyielding hostility of the uncivilized Indian Tribes, who were constantly attempting by fierce warfare to block up the way to the advancing settlements of the whites. The whole settlement of the States and Territories of the United States, from the earliest history of New England to this day, have borne witness to the constant hostility of the Indians, and the constant sacrifices and struggles of the whites. The American people, not content with the slow progress of simply moving the frontier line West by solid and self-protecting settlements, forced their way in advance across the great central desert, and over and through the passes of the Rocky Mountains, and built the foundations of an Empire on the coast line of the Pacific. Communication

became a necessity between the East and extreme West, and all the hardships of frontier life were forgotten in the risks and dangers of establishing channels for the ready transaction of public and private business.

The Government availed itself of the private enterprise of its citizens, and promised to protect those citizens in their persons and property, while engaged in the hazardous enterprise of the plains. Particularly the Government promised, and undertook to protect such citizens as were engaged in the transaction of the public business. If the Government failed in its protection, it was not the fault of those who undertook its business. No fault of this protection prevented the Government from protecting him, or his agents, or his property, while engaged in what the Government had employed him to do. He engaged in lawful pursuits with the approval and at the request of the Government, and was promised protection. No matter what obstacles stood in the way, the contractor was expected to perform faithfully. If the Government did not furnish the necessary protection to its citizens and servants, it was its fault, and not the fault of the citizen or contractor. So, if either is to suffer, it should not be the person or contractor, who was not at fault, but the Government which promised to protect, but failed to do so. No Government before ever established daily, or even weekly lines of mail service, over hundreds and thousands of miles of waste, desert and unsettled country, when ordinary hardships were trifles compared to the dangers from Indian hostilities which were necessarily encountered. The Government tried to buy peace with these common enemies: and failing in that, when peace could not be purchased, the Government was compelled to fight for it.

The obligation and duty of protecting citizens of the United States, in their passage through Territories threatened by hostile tribes of savages, or settling permanently in such Territories, has always been conceded. Congress has, year after year, appropriated public money, and

kept an army in the field, or ready to take the field, for this purpose.

It is part of every contract with the Government, either in direct terms, or by implication, that the Government shall protect its citizens in the performance of public service.

It is as much an obligation on the part of the Government to protect a settler on the public domain, in the enjoyment of land for which he paid his money, as it is to take care that a good title is given. When these questions are fairly stated ; they require no further argument. Traveling right along with the obligation of the citizen to act in good faith, in every matter where the public service is involved, goes the obligation of protection from any molestation or hindrance, loss or danger. The greater the danger and risk of the contractor, the greater becomes the protective duty of the Government.

Claims for losses on account of Indian depredations, by contractors in the public service, or by citizens who were not in the public service, have been very often presented to Congress, and have been allowed and paid. A reference will be made to some cases of this character. If precedents are necessary to induce Congress to do right, they are abundant. Almost constant hostilities and depredations along the line of the Overland Mail Route, during the years of the contract of the petitioner in this case, were notorious. In fact, the knowledge of them is conceded by the Government. So serious were these violent outbreaks, that portions of the army were almost constantly employed in efforts to suppress them.

The war, like all Indian wars, was stealthy and treacherous. No human foresight could always guard against its mischiefs or its horrors. It was a war of theft, and robbery, and murder. What the Indians could not carry off, they destroyed. While it must be admitted that it was difficult to protect travel, and the transportation of the mails, on an extended line, through a wilderness of many hundreds of miles, yet the Government

insisted that its mail contractors should perform, and directed when and how its routes should be changed to accommodate the exigencies of the military service, without regard to losses of persons or property.

While engaged in the transportation of the mails in this case, bands of Indians of different tribes murdered the employees, captured and drove away horses and mules, burned and destroyed station-houses, stables, and other buildings ; and stole or destroyed forage, provisions, and all other property within their reach. The property lost was of very great value in a country so unsettled, and when the condition of everything was so precarious. The fears for personal safety rendered it difficult to procure trustworthy servants or agents, except at exorbitant wages. The condition of the country along this Overland Mail Line is fully shown by the military report of the years of this contract.

Acts of indemnity for losses by depredations of the Indians have been very frequent, and Congress, for a great number of years, has been in the habit of making good such losses. These Acts of Congress have often been called to the attention of the Government as precedents for still further relief. Your petitioner in this case begs leave to again refer to them.

The case of Magraw, S. L., Vol. 2, p. 448, Magraw running from Independence, Missouri, connected some two years with Chorpenning at Salt Lake. His service commenced in July, A.D. 1854, and ended in August, A.D. 1856. The Government gave, by special enactment, more than ten years ago, seventeen thousand, seven hundred and fifty dollars, (\$17,750.00) for losses in stock, stations and supplies, through Indian depredations, during the two years he was running the mails.

The case of Livingston, Kinkead & Co., merchants of Salt Lake City, is peculiar. One of the firm, *not in the Government employ*, but traveling on the business of the firm, as a passenger merely, in one of Magraw's Mail Coaches, had in his possession ten thousand dollars in

coin. The Indians attacked the coach and robbed the passengers ; among other things they robbed this passenger of the ten thousand dollars, and carried it off. The Government paid this amount to the firm to reimburse them for the loss.

There is also the case of Moses D. Hogan, S. L., Vol. 10, p. 119, private acts. Hogan contracted to deliver a certain number of cattle for the Government service at Fort Sterling. The Indians stole and carried away some of the cattle. The Government indemnified Hogan for his loss.

As early as A.D. 1836, Saltmarsh, Avery & Co., Mail Contractors in Georgia and Alabama, lost their property by the Creek Indians. The Government paid them for their losses (\$9,779,00). See S. L. Vol. 6, p. 882, and so on. Cases could be multiplied if necessary.

A marked instance of indemnity for losses sustained by Indian depredations is found in a more recent case familiar to many members of the present Congress, when, by a special enactment, Congress paid about a million of dollars to the Minnesota sufferers. These people were not in the Government employ ; they were not traveling through an Indian country, but living at their homes, on their farms, as simple citizens of the United States. The duty of the Government to protect them in the enjoyment of life and property was fully recognized, and because the Government had failed to protect them, it felt bound, by precedent, by duty, and in equity, to make good the ascertained losses.

In view of all the facts in this case, and of the settled policy of the Government, as illustrated by the precedents cited, the petitioner in this case, with the ample proofs which he is ready to produce, submits to the justice and good faith of his Government, and asks to be fully and fairly indemnified.

Most respectfully submitted,

BEN HOLLADAY.

